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**To: COMMISSIONER FOR PATENTS****Fax No.: (703) 872-9306****From: Tor Smeland, Esq.**  
**Attorney for Applicants****Date: December 29, 2004****Pages: 6 (including cover page)**

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**Re: Refund Request and Entity Status Change**  
**Request Under 37 CFR 1.28**  
**Appl. Ser. No.: 09/808,212**  
**Filing Date: March 13, 2001**  
**Applicants: GORE *et al.***  
**Atty Docket No.: 13578US****Transmitted Herewith:****Refund Request and Entity Status Change (3 pages)****Attachment A (1 page)****Attachment B (1 page)**

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(Signature)**TOR SMELAND**  
(Printed Name of Person Signing  
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PATENT

13578US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Applicants: GORE *et al.*

Examiner: SCHEINER, Laurie

Serial No.: 09/808,212

Group Art Unit: 1648

Filed: March 13, 2001

For: Immunoglobulin Binding Protein

Customer No.: 23719

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December 29, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**REFUND REQUEST AND ENTITY STATUS CHANGE  
REQUEST UNDER 37 CFR 1.28**

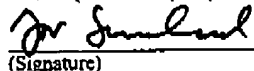
Sir:

Applicants have erroneously paid a large entity issue fee when entitled instead to small entity status. In accordance with 37 CFR 1.28, Applicants herein claim small entity status and request a refund for the difference between the large entity issue fee paid by Applicants on December 10, 2004 and the amount of a small entity issue fee in force on December 10, 2004. Applicants submit that all requirements of 37 CFR 1.28 have been satisfied.

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(Date)

Applicant: GORE *et al.*  
Serial No.: 09/808,212  
Filing Date: March 13, 2001  
Refund Request and Entity Status Change Request Under 37 CFR 1.28  
December 29, 2004  
Page 2 of 3

The assignee of record of this application is Affitech AS, Oslo Research Park, Gaustadallen 21, Oslo N-0371, Norway, by an assignment document dated September 26, 2001 and October 6, 2001, which assignment document has been duly recorded in the records of the United States Patent and Trademark Office at Reel 012446, Frame 0314, on January 7, 2002.

Applicants hereby claim small entity status for the assignee of record. Applicants erroneously but in good faith failed to claim small entity status at the time of payment of the issue fee in this application.

A large entity issue fee of \$1,670.00 was paid to the USPTO by Issue Fee Transmittal dated December 7, 2004 (see attachment A, Part B Fee(s) Transmittal), which was received by the USPTO on December 10, 2004 (see attachment B, returned date-stamped postcard).

Applicants hereby request a refund amounting to the difference between the large entity issue fee, with publication fee, of \$1,670.00 paid on December 10, 2004, and the amount of a small entity issue fee of \$685.00, without publication fee, in force on December 10, 2004. Accordingly, Applicants request a refund of  $\$1,670.00 - \$685.00 = \$985.00$ .

The undersigned is the attorney for Applicants and is registered to practice before the USPTO.

In accordance with 37 CFR 1.28(a), this request is being made before the expiration of three months from payment of the issue fee as a large entity.

Applicant: GORE *et al.*  
Serial No.: 09/808,212  
Filing Date: March 13, 2001  
Refund Request and Entity Status Change Request Under 37 CFR 1.28  
December 29, 2004  
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Applicants submit that all requirements of 37 CFR 1.28 have been satisfied.  
Accordingly, Applicants submit that they are entitled to a refund of \$985.00.

No fee is believed to be due with respect to the filing of this request. If any fees are due, or an overpayment has been made, please charge, or credit, our Deposit Account No. 11-0171 for such sum.

If the Examiner has any questions regarding the present application, the Examiner is cordially invited to contact Applicant's attorney at the telephone number provided below.

Respectfully submitted,



Tor Smeland

Registration No.: 43,131

Attorney for Applicants

Kalow & Springut LLP  
Telephone No.: (212) 813-1600

## ATTACHMENT A

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
(703) 746-4000

or Fax

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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7530

10/14/2004

SCOTT D. LOCKE, ESQ.  
KALOW & SPRINGUT LLP  
488 MADISON AVENUE  
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NEW YORK, NY 10022

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## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Angel Matos

(Depositor's name)

(Signature)

7 December 2004

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,212	03/13/2001	Michael Graham Gore	100084.414US	4056

TITLE OF INVENTION: IMMUNOGLOBULIN BINDING PROTEIN

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1370	\$300	\$1670	01/14/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
SCHEDNER, LAURIE A	1643	436-547000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02, or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Kalow &amp; Springut LLP

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE  
AFFITECH AS

(B) RESIDENCE: (CITY and STATE OR COUNTRY)  
OSLO N-0371, NORWAY

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

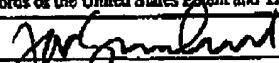
- ☒ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card, Form PTO-2038, is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 11-0171 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.  
NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature



Date 07 December 2004

Typed or printed name

Tor Smealand

Registration No. 43,131

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**ATTACHMENT B**

KALOW &amp; SPRINGUT LLP

Attorney/Agent:

TS

Docket Number: 13578US

Applicant:

Serial No.: 09/808212

or

Patent No.:

Filed: 3/13/2001

or

Issued:

The following has been received in the United States Patent and Trademark Office on the date stamped hereon:

- Part B – Fee(s) Transmittal, with certificate of first class mailing, dated December 7, 2004 (1 page), in duplicate
- Check No. 9073 in the amount of \$1,670.00



JAKemp/1001

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